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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,599	04/02/2004	Michael Joseph Toutonghi	13768.991	3131

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EXAMINER	
WILLIAMS, CLAYTON R	

ART UNIT	PAPER NUMBER
2457	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/817,599	TOUTONGHI, MICHAEL JOSEPH	
	Examiner	Art Unit	
	Clayton R. Williams	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 October 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-7,9-14,18 and 22-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-7,9-14,18 and 22-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 5-7, 9-14, 18 and 22-26 are pending in this application per amendment.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 9-11, 13, 14, 18 and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohsenin al. (20050075895: hereinafter Mohsenin), in view of Bucher (6928476: hereinafter Bucher), and further in view of Chernick et al. (5848234: hereinafter Chernick).

For claims 1 and 18, Mohsenin discloses a method for a data acquisition device, which is configured to generate at least two different types of data objects, to distinguish between the at least two different types of data objects, and to selectively and automatically transfer only some of the data objects, including a new data object to a user storage device and based upon a determination of data object type, the method comprising:

detecting that a new data object has been created and stored on the data acquisition device ([0024]: “The initial action taken by a user of the mobile phone camera 12 would be to capture one or more images (or other digital media, such as video clips). At some point it is desirable or necessary to transmit these images to service provider 18. For example, the phone camera 18 may not have enough memory to capture another image without having to delete a currently existing image stored thereon. Thus, the first step 30 in the method, would be to transmit the images to service provider 18.”);

determining a type of the new data object from a plurality of available types, wherein the plurality of available types comprise a sound data object type, a voice data object type, an image data object type, and a video data object type ([0021]: “Service provider 18 is an on-line service provider such as Ofoto that provides goods and services with respect to images and other personal digital media (such as video clips, audio clips, and text) stored at their site for a plurality of customers. The image service provider 18 typically has a database of customers each having their customer account information and associated ID(s).”);

accessing a configuration file which specifies which type of data objects are to be stored locally and which type of data objects are to be stored remotely, and determining that the configuration file specifies that the new data object is of a particular type that should be stored remotely at a user storage device ([0027]: “The forwarding of the images may also be automatic without the need or assistance of the user. For example if the storage capacity of the mobile device 12 reaches a predetermined level, the sending device 12, as preprogrammed could initiate the transfer of the digital stored images to the service provider 18.”);

establishing a communication session with the selected user storage device using the network address corresponding to the selected user storage device ([0021]); and

sending the new data object to the selected user storage device for storage therein ([0021]).

Mohsenin fails to explicitly disclose:

establishing a communication session with an online connection service and communicating with the online connection service to obtain a list of available user storage devices associated with the data acquisition device wherein the list includes a network address for each available user storage device on the list;

selecting, from the list, an available user storage device on which to store the new data object;

However, Bucher discloses:

establishing a communication session with an online connection service and communicating with the online connection service to obtain a list of available user storage devices associated with the data acquisition device wherein the list includes a network address for each available user storage device on the list;

selecting, from the list, an available user storage device on which to store the new data object (Bucher, col. 7, lines 1-10);

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Bucher's teachings of a remote data storage system that presents a user device with a list of remote storage devices to which data may be sent with Mohsenin's teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device selectively transmits acquired objects to one of a plurality of remote storage devices. The motivation to combine would have been to extend the options presented to a user device regarding media object storage.

The combination of Mohsenin and Bucher fails to explicitly disclose the establishment of a separate session with a remote storage device subsequent to the client's acquisition of a list of available storage devices.

However, Chernick discloses "a client [that] is provided with the ability to selected a preferred server". Specifically, a client communicates with a broker agent which provides the client with an ordered list of servers providing a requested service. The list is sorted in accordance with transport mechanisms preferred by the requesting client

(col. 2, lines 38-52 and Fig. 5, particularly note the separate entities of network directory services 140, aka agent broker, remote server 132 and local server 128).

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Chernick's teachings of a brokering system which provides clients ordered lists of service providers with Mohsenin's and Bucher's teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device selectively transmits acquired objects to one of a plurality of remote storage devices as provided in an prioritized list. The motivation to combine would have been to extend the options presented to a user device regarding media object storage.

For claim 9, the combination of Mohsenin, Bucher and Chernick discloses the method of claim 1, wherein communicating with the online connection service comprises sending authentication information to authenticate the data acquisition device to the online connection service (Mohsenin, [0024], lines 16-25).

For claim 10, the combination of Mohsenin, Bucher and Chernick discloses the method of claim 1, further comprising requesting permission to store the new data object at the at least one available user storage device before sending the object to the at least one available user storage device (Bucher, col. 4, lines 23-29, disclosure that remote storage device must first approve data transfer before receipt of data).

For claim 11, the combination of Mohsenin, Bucher and Chernick discloses the method of claim 10, wherein the requesting permission is performed implicitly by sending authentication information to the at least one available user storage device and receiving an authentication success message from the at least one available user storage device (Bucher, col. 4, lines 23-29, disclosure that remote storage device must first approve data transfer before receipt of data).

For claim 13, the combination of Mohsenin, Bucher and Chernick discloses the method of claim 1, wherein establishing the communication session with the at least one available user storage device comprises establishing a link with the at least one available user storage device through an intermediate proxy server (Bucher, col. 4, lines 43-48).

For claim 22, the combination of Mohsenin, Bucher and Chernick discloses the method of claim 1, further comprising wherein the configuration file included on the data acquisition device is input by a user (Mohsenin, [0027]).

For claim 23, the combination of Mohsenin, Bucher and Chernick discloses the method of claim 1, wherein the online connection service stores active presence information about the available user storage devices associated with the data acquisition device (Bucher, col. 7, lines 1-4, disclosure that system only provides information regarding “available" systems).

For claim 24, the combination of Mohsenin, Bucher and Chernick discloses the method of claim 1, wherein establishing a communications session with the at least one available user storage device comprises a communications session which is separate and distinct from the communications session with the online connection service (Chernick, Fig. 5, remote server 132 and local server 128).

For claim 25, the combination of Mohsenin, Bucher and Chernick discloses the method of claim 1, wherein image data objects are of the particular type configured for automatic transfer, while voice data objects are not, and such that, such that image data objects are selected for automatic transfer while voice data objects are refrained from being selected for automatic transfer (Mohsenin, [0027]).

For claim 26, the combination of Mohsenin, Bucher and Chernick discloses the method of claim 1, wherein the selected user storage device is one of a user's personal desktop computer, or a user's personal notebook computer (Chernick, col. 2, lines 38-52 and Fig. 5, particularly note the separate entities of network directory services 140, aka agent broker, remote server 132 and local server 128).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohsenin, in view of Bucher, in view of Chernick, and further in view of Snyder et al. (5564109: hereinafter Snyder).

For claim 5, the combination of Mohsenin, Bucher and Chernick fails to explicitly disclose the method of claim 1, further comprising receiving a prioritized list of available user storage devices associated with the data acquisition device from the online connection service.

However, Synder discloses:

further comprising receiving a prioritized list of available user storage devices associated with the data acquisition device from the online connection service (Synder, col. 4, lines 5-10, The cited passage discloses a client system being provided with a prioritized list of available storage devices).

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Snyder's teachings of providing a user with a ranked list of peripherals which can perform a designated task with Mohsenin, Bucher's and Chernick's teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device is provided with a prioritized list of storage devices available for data retention. The motivation to combine would have been to assist a user device in selecting suitable storage devices for use in receiving user-provided media objects.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohsenin, in view of Bucher, in view of Chernick, and further in view of Harrow et al. (20030009586: (hereinafter Harrow).

For claim 12, the combination of Mohsenin, Bucher and Chernick fails to explicitly disclose the method of claim 1, wherein establishing the communication session with the at least one available user storage device comprises establishing a peer- to-peer link with the at least one available user storage device.

However, Harrow discloses:

wherein establishing the communication session with the at least one available user storage device comprises establishing a peer- to-peer link with the at least one available user storage device (Harrow, [0027]: “The forwarding of the images may also be automatic without the need or assistance of the user. For example if the storage capacity of the mobile device 12 reaches a predetermined level, the sending device 12, as preprogrammed could initiate the transfer of the digital stored images to the service provider 18.”).

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Harrow’s teachings of a system which directs a client to establish a peer-to-peer connection to another peer for the purpose of carrying out a desired function with Mohsenin, Bucher’s and Chernick’s teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device establishes a session with a select storage device. The motivation to combine would have been to allow a user storage device to establish direct communication with a desired storage device.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohsenin, in view of Bucher, in view of Chernick, in view of Snyder, and further in view of Domenikos et al. (5838916: hereinafter Domenikos).

For claim 6, the combination of Mohsenin, Bucher, Chernick and Snyder fails to explicitly disclose the method of claim 1, further comprising receiving information on the communications protocols supported by each available user storage device on the prioritized list.

However, Domenikos discloses:

further comprising receiving information on the communications protocols supported by each available user storage device on the prioritized list (Domenikos, col. 19, lines 18-35).

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Domenikos' teachings of a system which provides a client system with a list of servers, including communication protocol information, that provide a desired service with Mohsenin's, Bucher's and Chernick's teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device establishes a session with a select storage device. The motivation to combine would have been to provide a requesting user device with a ranked list, which includes protocol information, of available entities on which to store data.

For claim 7, the combination of Mohsenin, Bucher, Chernick, Snyder and Domenikos discloses the method of claim 6, wherein the sending of the new data object is in accordance with the communications protocol supported by the at least one available user storage device (Domenikos, col. 19, lines 18-35).

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mohsenin, in view of Bucher, in view of Chernick, and further in view of Koodli (6571095: hereinafter Koodli).

For claim14, Mohsenin discloses a method for a data acquisition device, which is configured to generate at least two different types of data objects, to distinguish between the at least two different types of data objects, and to selectively and automatically transfer only some of the data objects, including a new data object to a user storage device and based upon a determination of data object type, the method comprising:

detecting that a new data object has been created and stored on the data acquisition device (Mohsenin, [0024]);

determining a type of the new data object from a plurality of available types, wherein the plurality of available types comprise a sound data object type, a voice data object type, an image data object type, and a video data object type (Mohsenin, [0021]);

accessing a configuration file which specifies which type of data objects are to be stored locally and which type of data objects are to be stored remotely, and determining

that the configuration file specifies that the new data object is of a particular type that should be stored remotely at a user storage device (Mohsenin, [0027]);

establishing a communication session with the selected user storage device using the network address corresponding to the selected user storage device (Mohsenin, [0021]); and

sending the new data object to the selected user storage device for storage therein (Mohsenin, [0021]).

Bucher discloses:

establishing a communication session with an online connection service and communicating with the online connection service to obtain a list of available user storage devices associated with the data acquisition device wherein the list includes a network address for each available user storage device on the list;

selecting, from the list, an available user storage device on which to store the new data object (Bucher, col. 7, lines 1-10);

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Bucher's teachings of a remote data storage system that presents a user device with a list of remote storage devices to which data may be sent with Mohsenin's teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device selectively transmits acquired objects to one of a plurality of remote storage devices. The motivation to combine would have been to extend the options presented to a user device regarding media object storage.

The combination of Mohsenin and Bucher fails to explicitly disclose the establishment of a separate session with a remote storage device subsequent to the client's acquisition of a list of available storage devices.

However, Chernick discloses "a client [that] is provided with the ability to selected a preferred server". Specifically, a client communicates with a broker agent which provides the client with an ordered list of servers providing a requested service. The list is sorted in accordance with transport mechanisms preferred by the requesting client (col. 2, lines 38-52 and Fig. 5, particularly note the separate entities of network directory services 140, aka agent broker, remote server 132 and local server 128).

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Chernick's teachings of a brokering system which provides clients ordered lists of service providers with Mohsenin's and Bucher's teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device selectively transmits acquired objects to one of a plurality of remote storage devices as provided in an prioritized list. The motivation to combine would have been to extend the options presented to a user device regarding media object storage.

The combination of Mohsenin, Bucher and Chernick fails to explicitly disclose "wherein the online connection service creates the list by retrieving presence information from the available user storage devices, the presence information being retrieved using instant messaging technology".

However, Koodli discloses 1) acquiring presence information of storage devices on the basis of instant messaging technology; and 2) the selection being made on the basis of connection route (col. 6, line 48-col. 7, line 14).

It would have been obvious to one skilled in the art at the time of the invention to have incorporated Koodli's teachings of acquiring presence information via instant messaging technology with Mohsenin's, Bucher's and Chernick's teachings of a user device that selectively transmit media objects to a remote storage unit in order to create a system wherein a user device selectively connects to a storage device on the basis of presence and route availability. The motivation to combine would have been to ensure that a user device makes decisions regarding storage device selection the basis of real-time data of storage device availability.

Response to Arguments

Applicant argues prior art of record does not teach a system wherein two sessions are established for purposes of facilitating the exchange of data between a client and a storage device. Namely, a first session by which a client connects with an "online service" and a second session in which the clients connects to a storage device using addressing information garnered in the first session. Examiner disagrees. Chernick teaches a system whereby "a client is provided with the ability to select a preferred server". Specifically, a client communicates with a broker agent which provides the client with an ordered list of servers providing a requested service. The list is sorted in accordance with transport mechanisms preferred by the requesting client

(col. 2, lines 38-52 and Fig. 5, particularly note the separate entities of network directory services 140, aka agent broker, remote server 132 and local server 128). Following the client's acquisition of the ordered list, a separate session with a server as provided in the last garnered in the session established with the agent broker (Fig. 5, particularly note the separate entities of network directory services 140, aka agent broker, remote server 132 and local server 128).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clayton R. Williams whose telephone number is 571-270-3801. The examiner can normally be reached on M-F (8 a.m. - 5 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Clayton R Williams/
Examiner, Art Unit 2457
12/13/09

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